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Rc:	10/581,409	CC:	

Applicants: Pachl et al.
Application: 10/581,409
Filed: June 1, 2006
371(c): Sept. 20, 2006
Ref. No.: 22344 US

Attachments:

Transmittal Form (1pp)
Request For Correction To The Published Patent Application Under 37 C.F.R. 1.221(b) (1pp)
Copy of page 4 of US 2007/0110613 (1pp)
Fax Transmittal Sheet (1pp)

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PTO/SB/21 (04-07)

Approved for use through 09/30/2007, OMB 0851-0031

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 4

Application Number 10/581,409

Filing Date September 20, 2008

First Named Inventor Pachi et al.

Art Unit 1743

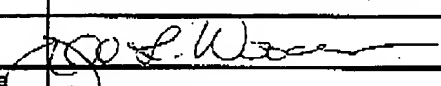
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Attorney Docket Number 22344 US

ENCLOSURES (Check all that apply)

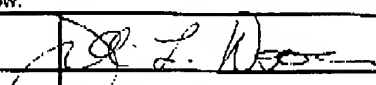
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Fax Transmittal
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Law Office of Jill L. Woodburn, LLC		
Signature			
Printed name	Jill L. Woodburn		
Date	August 30, 2007	Reg. No.	39,874

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jill L. Woodburn	Date	39,874

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 22344 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pachl et al.

Patent Application No.: 10/581,409

Group No.: 1743

Filed: June 1, 2006

Examiner: Unknown

For: Coated Test Elements

REQUEST FOR CORRECTION TO THE PUBLISHED PATENT APPLICATION UNDER
37 C.F.R. 1.221(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that a Correction to the published patent application be issued for the above-identified application. In particular, a major typographical mistake in the patent application is present. This mistake is highlighted below, as is its corresponding correction.

Incorrect Claim 7: Test element according to one of claims 1 to 6, characterized in that the hydrophobic structured surface has a contact angle with aqueous systems of $> 120^\circ$.

Correct Claim 7: Test element according to claim 1 the hydrophobic structured surface has a contact angle with aqueous systems of $\geq 120^\circ$.

This error was incurred through the fault of the Patent and Trademark Office and is clearly disclosed by the records of the Office. The correction is not due to any error by applicant and no fee is due.

Respectfully submitted,

The Law Office of Jill L. Woodburn, L.L.C.

August 30, 2007

Date

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Registration No. 39,874

US 2007/0110613 A1

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May 17, 2007

a channel or gap for transporting liquid from the application zone to the detection zone,

characterized in that

the test element has a hydrophobic structured surface at least in an area around the application zone.

2. Test element according to claim 1,

characterized in that

the channel or gap has an opening in the area of the application zone and the surface of the test element has hydrophobic structuring at least around the channel opening.

3. Test element according to claim 1 or 2,

characterized in that

the channel or gap is a capillary channel or capillary gap.

4. Test element according to one of the claims 1 to 3,

characterized in that

the interior of the channel or gap has at least partially a hydrophilic surface.

5. Test element according to one of the claims 1 to 4,

characterized in that

the average distance between elevations on the hydrophobic structured surface is in the range of 50 nm to 200 μ m and the average height of the elevations is in the range of 50 nm to 100 μ m.

6. Test element according to one of the claims 1 to 5,

characterized in that

the hydrophobic surface has a surface energy of ≤ 20 mN/m.

7. Test element according to one of the claims 1 to 6,

characterized in that

the hydrophobic surface has a contact angle with aqueous systems $\geq 120^\circ$.

8. Test element according to one of the claims 1 to 7,

characterized in that

the hydrophobic surface can be obtained by spraying a suspension of hydrophobic nanoparticles.

9. Test element according to one of the claims 1 to 8,

characterized in that

the hydrophobic surface is immobilized on the test element.

10. Test element according to claim 9,

characterized in that

the hydrophobic surface can be obtained by applying a hardenable substance to the areas of the test element to be coated, applying hydrophobic, hydrophobized or

hydrophobizable particles to the coated areas and immobilizing the particles by hardening.

11. Test element according to one of the claims 1 to 10,

characterized in that

it is designed to be held within a magazine.

12. Test element according to claim 11,

characterized in that

the magazine is designed to hold both used and unused test elements.

13. Test element according to claim 11 or 12,

characterized in that

the magazine is located within a measuring device.

14. Test element according to claim 13,

characterized in that

the measuring device is an optical or electronic measuring device.

15. Test element according to one of the claims 1 to 14 for determining glucose in blood.

16. Magazine for holding test elements for determining an analyte in a liquid comprising at least one test element according to one of the claims 1 to 15.

17. Magazine according to claim 16,

characterized in that

it is designed to hold both used and unused test elements.

18. Measuring device for determining an analyte in a liquid,

characterized in that

it contains at least one test element according to one of the claims 1 to 15.

19. Measuring device according to claim 18,

characterized in that

it contains at least one magazine for holding one or more test elements.

20. Measuring device according to claim 19,

characterized in that

the magazine is designed to hold both used and unused test elements.

21. Method for the determination of an analyte in a liquid comprising

applying a sample liquid to a test element according to one of the claims 1 to 15 and

qualitatively or/and quantitatively determining the analyte present in the sample liquid.

* * * * *